

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

TON

RECEIVED

AUG 14 2015

Johnnie Lenan Nelson

(In the space above enter the full name(s) of the plaintiff(s).)

15 4670

- against -

Janine L. Quigley,
JEFFREY R. Smith, CDW^{Jr}

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Lt. Phillips

Lt. Shearer

Lt. Douglas

Sgt. Rescorlo

John Doe

Jane Doe

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Johnnie Lenan Nelson
ID # 2006-1188
Current Institution Berks County Prison
Address 1287 County Welfare Rd.
Leesport, Pa. 19533

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Janine L. Quigley Shield # _____
 Where Currently Employed Berks County Prison
 Address 1287 County Welfare Rd.
 Leesport, Pa. 19533

Defendant No. 2 Name Jeffrey R. Smith Shield # _____
 Where Currently Employed Berks County Prison
 Address 1287 County Welfare Rd.
 Leesport, Pa. 19533

Defendant No. 3 Name Lt. Phillips Shield # _____
 Where Currently Employed Berks County Prison
 Address 1287 County Welfare Rd.
 Leesport, Pa. 19533

Defendant No. 4 Name Lt. Schearer Shield # _____
 Where Currently Employed Berks County Prison
 Address 1287 County Welfare Rd.
 Leesport, Pa. 19533

Defendant No. 5 Name Lt. Douglas Shield # _____
 Where Currently Employed Berks County Prison
 Address 1287 County Welfare Rd.
 Leesport, Pa. 19533

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? Berks County Jail

B. Where in the institution did the events giving rise to your claim(s) occur? _____
J,I,D, housing units

C. What date and approximate time did the events giving rise to your claim(s) occur? 3/26/15

ADDITIONAL DEFENDANTS

Name: Sgt. Rescorlo
Empld: Berks County Jail
Addrss: 1287 County Welfare Road
Leesport, Pa. 19533

What
happened
to you?

D. Facts: REFER TO CHRONOLOGICAL ORDER OF EVENTS PAGES.

Who
did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a

On 3/26/15 I recieved a misconduct (document#1) after an investigation was performed by Lt. Douglas for using another inmates phone privileges. This incident is a Class 1-B offense #159 (other provisions) in the Berks County Jail Inmate Handbook, hereto referred to as (IH), (violating a rule, provision, order or regulation) specifically applying to the provision 4.6 telephone use, punishable up to 60 days in segregation or up to 45 days loss of privileges.

On 3/27/15 I recieved a memo from Chief Deputy Warden, Jeffrey Smith, hereafter referred to as (CDW. Smith.) CDW Smith informed me that my phone privileges had been suspended (Doc.#2).

On 3/27/15 I sent an Inmate Communication Form, hereto referred to as (ICF) to CDW. Smith (Doc.#3) questioning why and for how long?

On 4/1/15 CDW Smith responded with his reasoning why and avoided entirely the how long. He stated the seriousness of the infraction and in so denying my 6th Amendment Rights. All this on unfounded, unsubstantiated rumors and hearsay and not founded on evidence for a relatively minor incident, which, is in serious need of Constitutional scrutiny. In the I-H page #3 it states, "I have a Right and not a privilege to have access to counsel through unmonitored phone calls". How then does CDW Smith and Lt. Douglas deny me this Right?

Again, on 4/13/15, after 18 days with loss of phone privileges an Inmate Communication Form, hereto referred to as (ICF) to CDW Smith (Doc#4) informing him that I have a up-coming trial for 1st degree murder charges in 43 days and pleading with him to reconsider this suspension of my phone privileges since I need to be instant contact with my lawyer and family in regards to this trial.

On 4/15/15 CDW Smith again denied my access to use the phone, stating "write them". There is no valid connection between my Right to attorney and legitimate prison security concerns, thus negating the Judicial deference when denying adequate, effective and meaningful access to the Courts, as my 14th Amendment demands.

On 4/17/15 I was once again given a misconduct (Doc.#5). This misconduct was from Sgt. Rescorla for "refusal of order". This being another Class 1-B #154 Section 7.4 of the I-H. Again I am sent to the segregation unit for disobeying the aforementioned memo (Doc.#2) dated 3/27/15. This time Sgt. Rescorlo claims that "information has come to his attention that I have another inmate making calls on my behalf." Again, unfounded, unsubstantiated, suspicions, rumors and hearsay have exaggerated the penalogical objectives in regards to Plaintiff's protected Constitutional Rights.

On 4/21/15 I filed an Inmate Grievance, (Doc#6) challenging misconduct (Doc #5) for "Refusal of order in the form of a memo. Since I was not issued a misconduct again, for misuse of the telephone, than how did I refuse an order?

On 4/28/15 Lt. Phillips responded to my grievance with additional, non-sensical, unfounded, unsubstantiated extremism on penalogical concerns in collusion with the previous mentioned defendants, denying me my Constitutional Rights.

On 4/21/15 I filed a second Grievance (Doc#7) regarding my phone suspension. I specifically requested to know how long this suspension is to run and to inform them again of my urgent need to have immediate access to my attorney and family during my up-coming trial.

On 5/4/15 a Lt. Schearer responded to my grievance (Doc#7) stating "I have no Right to use the phone since I have no phone privileges." I can only surmise this suspension is indefinite since they refuse to answer that question. Seeing that my trial is an on-going and fluid, my need to use the phone to call family and attorney is critical to my defense. My ability to communicate in a timely manner has been hampered by the defiance of the administration towards the Constitutional Rights demanded. They are all impeding my ability for prompt, efficient access to both counsel and the Courts. Adding Lt. Schearer to the list of those names for violating my Constitutional Rights.

On 5/10/15 I filed an Appeal (Doc. #8) to grievance (Doc#7). In doing so I cited the Berks County Jail Inmate Handbook section 1.4.1 (inmate rights) and 1.4.2 (inmate privileges). I specifically made the distinction between the two, stating that "I have a right" to have access to an attorney through unmonitored telephone calls and not merely a privilege as the administration personnel continue to cite. They are clearly distinct and clearly their definitions.

On 5/5/15, Warden Janine M. Quigley responded again to my grievance appeal stating "You have no phone privileges and for me to write to my attorney and tell him"! Apparently the saga continues to the top of the Berks County Jails' penological hierarchy. So, putting my new-found prejudice aside, I am faced with this dilemma of trying to put some order and direction to this chaotic situation confronting me daily. By ignoring my Rights Plaintiff argues that the defendants, in collusion, with malice, have conspired to deny His 1st, 6th and 14th Amendments Rights, along with them infringing on his 8th Amendment to be free from cruel and unusual punishment. Plaintiff further argues that due to defendants' responses, Plaintiff has/is suffering unnecessary delays and obstacles resulting in critical time-frame decisions and opportunities in trial being lost.

On 5/26/15 Plaintiff once again attempted to reason with the administration to resolve this issue by sending another communication to CDW Smith (Doc#9). In pleading I mentioned it has been well past 45 days (Inmate disciplinary guidelines) for loss of privileges (suspensions).

On 6/5/15 CDW Smith response again was uncommitted and vague. Denied, without any goal to go after for resolve.

On 5/18/15 my attorney, Mr Michael D. Dautrich, Esq. sent a letter to Warden Quigley questioning the reason behind my phone rights to confer with counsel had been denied.

On 6/1/15 Warden Quigley responded to attorneys' letter (Doc#10) claiming I had multiple violations of the telephone policy, and yet never charged multiple times? Once again Your Honor, the penological administration is rife with false, wild and unfounded claims with accusations born out of prejudice and vivid imaginations therefore lacking substance and duty. Be it noted that my attorney has suffered no attorney misconduct either.

On 6/18/15 Plaintiff filed a motion to attend a private viewing of his deceased sister, Ashley Nelson (Doc# 11).

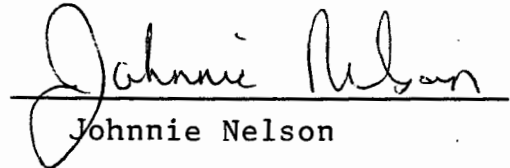
On 6/19/15 the Honorable Judge, Paul M. Yatron, Berks County, Pa. signed the order granting Motion for plaintiffs viewing on 6/23/15. Somewhere between the Motion being granted and the viewing date the Order was denied. With no ability to console with family or contact the lawyer by phone, this opportunity to challenge denial of Court Order #5539-2013 was lost. As a result of more unfounded accusations, rumors and hearsay, plaintiff and family continue to suffer cruel and unusual consequences. Plaintiff reserves the right to amend this complaint when the names of those individuals that had the Court dismissed become known.

On 7/15/15 I continued to plead with CDW Smith for a return of his phone Rights (Doc# 12). It has now gone beyond 90 days which is the prescribed suspension guidelines for disciplinary sanctions. Actually it is more then twice the amount.

On 7/15/15 CDW Smith responded with what appears to be more exaggerated prison security concerns. A second request was sent when the last one was not answered (Doc# 13). Both were dismissed.

Today I decided to address this matter in the Courts. It has gone on long enough and my fundamental rights are being abridged. I now ask this Court for a speedy Judicial decision for immediate protection of my rights and protection any further unjustified consequences the Berks County Prison Administrators will attempt.

Respectfully Submitted,


Johnnie Nelson

prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes XX No

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

BERKS COUNTY PRISON

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes XX No Do Not Know

- C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes XX No Do Not Know

If YES, which claim(s)? LOSS OF RIGHTS

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes XX No

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes No

- E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

BERKS COUNTY PRISON

1. Which claim(s) in this complaint did you grieve? ALL OF THEM

2. What was the result, if any? DENIAL AND UNFOUNDED ACCUSATIONS

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. I TRIED TO REASON WITH THE ENTIRE ADMINISTRATION. ALL EFFORTS DENIED.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: _____

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. ALL GRIEVANCES FILED INCLUDING APPEAL

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

DOCUMENTS 1-13 included

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). Immediate return of phone RIGHTS,
Order from the Court against retaliation, and transfer
to another county facility as precautionary measures.

On
these
claims

3. Docket or Index number _____

4. Name of Judge assigned to your case _____
5. Approximate date of filing lawsuit _____
6. Is the case still pending? Yes _____ No _____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

C. Have you filed other lawsuits in state or federal court?

Yes _____ No XX

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10 day of August, 20 15.

Signature of Plaintiff

Johnnie Nelson

Inmate Number

2006-1188

Johnnie L. Nelson

Institution Address

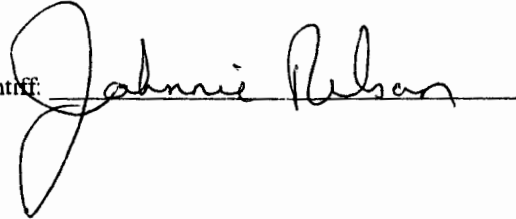
#2006-1188

1287 County Welfare Rd.
Berks Co, Pa. 19533

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 10 day of August, 20 15, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff:



212

Doc. # 2

Berks County Jail System

Memo

To: Inmate Johnnie Nelson #2006-1188

From: Jeffrey R. Smith, Chief Deputy Warden

CC: Senior Staff, Captain, Custody Lts. and Sgts., J. Sharp, M. Mullen, Treatment Supervisors, C. Eppright, Author's file

Date: March 27, 2015

RE: Suspended Telephone Privileges

As a result of your disregard for institutional rules here at the jail and your intensions of the telephone conversations, your telephone privileges have been suspended. Should you continue your attempts to misuse the system, further disciplinary action may occur.

JRS

**BERKS COUNTY JAIL SYSTEM
INMATE COMMUNICATION FORM**

③
DEC #3

Inmate Name Johnnie Nelson BCJ # 2006-1188 Date 3-27-15
Unit/Cell # D-212

TO: (Select only **one** of the following, selecting more than ONE box will result in your communication being filed, unanswered.)

<input type="checkbox"/> Warden	<input checked="" type="checkbox"/> Deputy Warden	<input type="checkbox"/> Treatment	<input type="checkbox"/> Inmate Telephones	<input type="checkbox"/> Inmate Accounts
<input type="checkbox"/> Custody	<input type="checkbox"/> Medical	<input type="checkbox"/> Education	<input type="checkbox"/> SOG Commander	<input type="checkbox"/> _____
<input type="checkbox"/> Kitchen	<input type="checkbox"/> Chapel	<input type="checkbox"/> Commissary	<input type="checkbox"/> Booking/Mail/Property	

Write legibly, supply all relevant details. Forms which are unclear or contain demeaning language, threats or profanity will not be addressed. **ONLY ONE TOPIC PER COMMUNICATION.**

I'm writing cause I recieved a memo 3-27-15
stating my Phone Privileges have been suspended my
first question is why? What have I done to warrant
that and for how long? This is my first time
ever even hear this charge I havent use anyone
Pin so how can my Privileges be taken?

I hope you can shed some light on
my problem.

Note: Writing in "response" section will result in form
being unanswered and filed.

Inmate Signature

Johnnie Nelson

RESPONSE: What dont you understand? You were cited for using
another inmates telephone priveleges. You plead guilty and
stated thats what happened. SO, I am assuming you
recall the information that you requested on the telephone:
I take that conversation very serious. Dont play dumb
with me.

Date 4.1.15 Staff Member (Print) CDW SMITH

and (Sign)

[Signature]

CC: _____

**BERKS COUNTY JAIL SYSTEM
INMATE COMMUNICATION FORM**

Doc # 4

Inmate Name Jahannie Nelson BCJ # 2006-1128 Unit/Cell # D110 Date 4-13-15

TO: (Select only one of the following, selecting more than ONE box will result in your communication being filed, unanswered.)

☐ Warden ☒ Deputy Warden ☐ Treatment ☐ Inmate Telephones ☐ Inmate Accounts
☐ Custody ☐ Medical ☐ Education ☐ SOG Commander ☐ _____
☐ Kitchen ☐ Chapel ☐ Commissary ☐ Booking/Mail/Property

Write legibly, supply all relevant details. Forms which are unclear or contain demeaning language, threats or profanity will not be addressed. **ONLY ONE TOPIC PER COMMUNICATION.**

Sir,

I'm writing you because I was hoping to get my phone privileges back I have 43 day's till trial where as you already know I'm fighting 1st Degree Murder where I can possibly get life I have been offered a deal of 25-50 years I would like to speak to my family about on top of that I'm trying to help my case and teach family member's I hope you can allow me to be able to use the phone again you won't have to remind me of any thing with the phone I've read the hand book plus I would like to contact my lawyer and I'm unable to by phone hopefully you see I've learned my lesson.

Thank you

The way things looking I will stay from this jail for a long time

Note: Writing in "response" section will result in form being unanswered and filed.

Inmate Signature

Jahannie Nelson

RESPONSE:

Jahannie Nelson,

We have had this conversation before. You lost the phone privileges due to your actions. You are still capable of making your lawyer or loved ones and you still have visitation privileges.

Date 4/15/15 Staff Member (Print) COW SMITH and (Sign) [Signature]

CC: _____

Doc 175

MISCONDUCT CITATION

Inmate Name Nelson, Johnnie 2006-1108 Date 4/11/15
 Incident Location INDIA UNIT Time 1010

Citation

Class	#	Offense	Class	#	Offense
1-B	154	Refusal of orders			

Officer Report

You received a memo from Chief Deputy Warden Smith on 3/27/15 that your phone privileges were suspended. In that memo he warned you should you continue your attempts to misuse the phone system further discipline will follow. It has come to my attention that on 4-11-15 you misused the system by having another inmate make calls on your behalf EOP.

Officer Signature [Signature]

Actions Pending Disposition

- ☐ Subject Locked In Own Cell.
☒ Subject Transferred To 110
☐ Subject Removed From Job Assignment.

- ☐ Warning Is Issued
☐ Material(s) Confiscated
☐ Other Action _____

Witnesses

Inmate Notification

Copy Delivered To Inmate By

Name [Signature] Date 4/11/15 Time 1110Staff Witness [Signature]Inmate Signature [Signature]

(Acknowledges Receipt of Copy)

Supervisory Review

Shift Commander Signature [Signature]

- ☐ Informally Adjusted
☒ Referred To Disciplinary Committee
☐ Notation _____

**BERKS COUNTY JAIL SYSTEM
INMATE GRIEVANCE FORM**

DOC #6

Inmate Name Johnnie NelsonBCP# 2006-1188Cell 110Date 4-21-15

Instructions: Refer to the inmate handbook for information on the inmate grievance system.

Administration Use Only

- ☐ Does not fit criteria for an emergency/sensitive grievance ☐ Form is incomplete ☐ Resubmit on proper form
- ☐ Lacks details ☐ Must be completed in English

Statement: Detail the act or condition which caused this grievance. (Be specific; list all dates, times, locations and witnesses.)

April 17th I was issued an misconduct for "Refusal of Order" for
 and I read "Allowing another inmate to make calls 4-11-12 13-21-15 on
 my behalf when Deputy Chief Warden Smith said and I agree. If you
 continue to misuse the telephone system further disciplinary will
 follow. As I have read the (misconduct and Inmate Handbooks) It became
 aware to me I wasn't charged with any violations of the telephone
 provisions so how is it possible to "Refuse an order" when I'm not charged
 with the order at hand. I'm being accused of refusing? I feel I'm being
 targeted and issued unjust punishment. I will respectfully for same to list.

Thank you

FOR AMINISTRATIVE USE ONLY**Grievance Response:**

You received an order in the form of a memo from CDW Smith informing you
 that your telephone privileges have been suspended. This includes allowing phone
 numbers to another inmate's account and having them make calls on your
 behalf which you did on several occasions after the order was
 issued. This resulted in you being cited for refusing the order issued
 by CDW Smith. There was no reason to cite you with any violation of
 the telephone provisions as it is repetitious to the refusal charges.

Grievance Answered By: Lt PhillipsDate 4/16/15Grievance # 070315Date Posted 4/28/15

**BERKS COUNTY JAIL SYSTEM
INMATE GRIEVANCE FORM**

DOC # 7

I103

Inmate Name Johannie Nelson

BCP# 2006-1138

Cell D110

Date 4-21-15

Instructions: Refer to the inmate handbook for information on the inmate grievance system.

Administration Use Only

- ☐ Does not fit criteria for an emergency/sensitive grievance ☐ Form is incomplete ☐ Resubmit on proper form
- ☐ Lacks details ☐ Must be completed in English

Statement: Detail the act or condition which caused this grievance. (Be specific; list all dates, times, locations and witnesses.)

On March 26th 2015 I was issued an misconduct for "Telephone Privileges" were I was cited for using another inmate phone privileges. March 21st 2015 my phone privileges was suspended due to the misconduct. March 30th I had my hearing where I plead guilty due to me reading the handbook and learning I was wrong. Upon me leaving Delta Unit April 4th 2015 I was unaware my p.i.n # was inactive were as I was unable to access the opical's on the phone and contact my attorney which I found out in the "Inmate Handbook" Section 1.4.1 pg.3 was a right which stated "you have the right to have access to counsel through unmonitored telephone calls". In summary being denied my right. Further more I would like to know how long my phone have been suspended for and what warranted it getting suspended and for me to be able to contact my attorney using the telephone. Thankx

FOR AMINISTRATIVE USE ONLY

Grievance Response:

You do have the right to speak to counsel through unmonitored telephone calls when you have telephone privileges, which you currently do not. You may contact your attorney through written correspondence (mail) or through visits. Your telephone privileges were suspended due to you violating the policies regarding telephone usage as outlined in the misconduct you received. A review of your telephone privilege suspension will be reviewed at a later date.

Grievance Answered By: LT Schenck / Lt Schum

Date 5-4-15

Grievance # 0702-15

Date Posted 5-11-15

**BERKS COUNTY JAIL SYSTEM
INMATE GRIEVANCE FORM**

DOC # 8

Inmate Name Johnnie NelsonBCP# 2006-428Cell I-103Date 5-10-15

Instructions: Refer to the inmate handbook for information on the inmate grievance system.

Administration Use Only

- ☐ Does not fit criteria for an emergency/sensitive grievance ☐ Form is incomplete ☐ Resubmit on proper form
- ☐ Lacks details ☐ Must be completed in English

Statement: Detail the act or condition which caused this grievance. (Be specific; list all dates, times, locations and witnesses.)

This is an Appeal for Grievance # 0702-15 Response date 5-4-15
I am appealing the decision due to the fact the handbook in
Privileges section 1.4.2 it states "Many programs and opportunities are offered
to you while you are in custody in addition to those which are described
as rights. These are privileges that may be restricted or denied to you
as a result of abuse of the privilege, unacceptable institutional adjustment
& misconduct. Furthermore, not being able to use the phone to contact
my attorney is violation of my right's. Just being able to write and visit's
violate my due process where as though it is time consuming and alot of
information and motion's have time frame's.

Thank you for your time.

FOR AMINISTRATIVE USE ONLY**Grievance Response:**

If you contact your attorney & inform them that
you do not have phone privileges then they can
arrange to see you during a professional visit. They
can even contact Dan Van Billiard & he will extend
the opportunity for a meeting through
video conference. In addition as the Lt. said
you do have access to send & receive legal mail
also.

Grievance Answered By: Jamie KlineDate 5/15/15

Grievance #

APP002-15

Date Posted

5/15/15

cc: D. Van Billiard
Capt.

Original: Treatment File

Canary: Return to inmate with response

FORM# REC120 (REV 2/10)

**BERKS COUNTY JAIL SYSTEM
INMATE COMMUNICATION FORM**

DOC #9

Inmate Name Johnnie Nelson BCJ # 2006-1138 Date 5-26-15
Unit/Cell # I-218

TO: (Select only **one** of the following, selecting more than ONE box will result in your communication being filed, unanswered.)

☐ Warden ☒ Deputy Warden ☐ Treatment ☐ Inmate Telephones ☐ Inmate Accounts
☐ Custody ☐ Medical ☐ Education ☐ SOG Commander ☐ _____
☐ Kitchen ☐ Chapel ☐ Commissary ☐ Booking/Mail/Property

Write legibly, supply all relevant details. Forms which are unclear or contain demeaning language, threats or profanity will not be addressed. **ONLY ONE TOPIC PER COMMUNICATION.**

I'm writing to ask for my general telephone privileges back. I have been misconduct free since me being released from Dunit I haven't misused the phone I'm hoping to be giving my privileges back.

Thank you.

Note: Writing in "response" section will result in form being unanswered and filed.

Inmate Signature

Johnnie Nelson

RESPONSE: Your request has been reviewed and there will not be any changes to your status at this time.

Date 6/5/15 Staff Member (Print) CSW SMITH and (Sign) [Signature]

CC: _____



Berks County Jail System

☒ Jail

1287 County Welfare Road
Leesport, PA 19533
phone: 610-208-4800

☐ Community Reentry Center

1261 County Welfare Road
Leesport, PA 19533
phone: 610-208-4800

June 1, 2015

Michael D. Dautrich, Esq.
Dautrich & Dautrich Law Offices, P.C.
526 Court Street
Reading, PA 19601

Dear Attorney Dautrich:

I am in receipt of your correspondence dated May 18, 2015, regarding your client Johnnie Lenan Nelson. You have asked for an explanation of why his phone privileges have been suspended and have indicated that you need the ability to speak with him during his incarceration.

In the months prior to the suspension of his telephone privileges, Mr. Nelson had multiple violations of the telephone policy. I found in reviewing his records that he did place many calls in that time period, but none to your office. This suspension will not be lifted at this time; however, if you need access to your client, we have several alternative ways for you to communicate with him.

You may contact our Hearing Supervisor, Daniel VanBilliard at 610-208-4800, ext. 4826 to schedule use of the video or telephone conferencing system. Or, you can call Lizzie Merin at ext. 4831 to arrange a time to meet with your client on-site in a private, interview room. Finally, Mr. Nelson is permitted to send and receive mail through the postal system.

Sincerely,

Janine L. Quigley
Janine L. Quigley, CJM
Warden

cc: D. VanBilliard
E. Merin
Senior Staff Members

ADC # 11

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON
 vs. : PLEAS OF BERKS COUNTY,
 : PENNSYLVANIA
 : CRIMINAL DIVISION
 :
 Johnnie Lenan Nelson, :
 Defendant : No. 5539-2013
 : Judge: Paul M. Yatron, P.J.

ORDER

AND NOW, this 19th day of June, 2015, upon consideration of Defendant's Motion to Attend Private Viewing, it is hereby ORDERED that the motion is GRANTED. The Court orders the Sheriff of Berks County to transport Defendant to the T.J. Baker Funeral Home on June 23, 2015 at a time agreed upon by the funeral home for a ½ hour private viewing for his deceased sister, Ashley Nelson. It is FURTHER ORDERED that Defendant will be shackled and handcuffed at this private viewing and that he will be in BCP clothing and that he will not be permitted contact with family or friends and will not be permitted at the gravesite. Finally, it is ORDERED that Defendant's family must pay a fee to the Berks County Sheriff's office for transportation to and from the private viewing as requested by the Berks County Sheriff's Office.

BY THE COURT:

Paul M. Yatron
 Paul M. Yatron, P.J.

BERKS COUNTY, PA
 JUN 19 AM 8:54
 COURT

Extract from the record of said court
 Certified this 19 day of June 20 15
 JAMES P. TROUTMAN
 Clerk of Common Pleas - Criminal Division
 Per *[Signature]* Deputy

NDC #12

**BERKS COUNTY JAIL SYSTEM
INMATE COMMUNICATION FORM**

Inmate Name: Johnnie Nelson BCJ #: 2006-1188 Unit/Cell #: T 201 Date: 7-5-15

TO: (Select only one of the following; selecting more than ONE box will result in your communication being filed unanswered.)

☐ Booking/Mail/Property ☐ Custody ☐ Inmate Accounts ☐ Medical ☐ Warden
☐ Chapel ☐ Deputy Warden ☐ Inmate Telephones ☐ SOG Commander ☒ Other CAPT. TORRES
☐ Commissary ☐ Education ☐ Kitchen ☐ Treatment

Write legibly, supply all relevant details. Forms which are unclear or contain demeaning language, threats or profanity will not be addressed. **ONLY ONE TOPIC PER COMMUNICATION.**

I am writing you to ask if it's
 Okay for me to write Deputy Warden Smith
 about restoring my phone privileges I have
 misconduct free for 60 days and have been
 without phone privileges for 90 day's.

Thank you

Note: Writing in "response" section will result in form being unanswered and filed.

Inmate Signature: Johnnie Nelson

RESPONSE: Due to the serious concerns that I have with your
phone conversation along with your disregard to my prior
instructions I am not comfortable with reinstating your
phone privileges AS your case is still ongoing.

Date 7/17/15 Staff Member (Print) EDW SMITH and (Sign) [Signature]
 CC: _____

**BERKS COUNTY JAIL SYSTEM
INMATE COMMUNICATION FORM**

DOC # 13

Inmate Name Johnnie Nelson BCJ # 2006-1188 Unit/Cell # I 201 Date 7-15-15

TO: (Select only **one** of the following, selecting more than ONE box will result in your communication being filed, unanswered.)

☐ Warden ☒ Deputy Warden ☐ Treatment ☐ Inmate Telephones ☐ Inmate Accounts
☐ Custody ☐ Medical ☐ Education ☐ SOG Commander ☒ Deputy Warden
☐ Kitchen ☐ Chapel ☐ Commissary ☐ Booking/Mail/Property Mr. Jeffery Smith

Write legibly, supply all relevant details. Forms which are unclear or contain demeaning language, threats or profanity will not be addressed. **ONLY ONE TOPIC PER COMMUNICATION.**

I wrote you 30+ days ago asking for my phone back I was denied. It's been 3 months 18 days I've had my privileges taken it's been 2 months 9 days I've been misconduct free and out of delta I take full responsibility for my action and will make sure I won't repeat those actions that got me in this situation now. I ask for my privileges back not because I want you to feel bad for me but because I have followed every rule besides phone rule's and because I have learned my lesson.

Thank you for your time.

Note: Writing in "response" section will result in form being unanswered and filed.

Inmate Signature

Johnnie Nelson

RESPONSE:

Duplicate Request - Response provided on
ICF Addressed to Captain.

Date 7/17/15 Staff Member (Print) CDW SMITH

and (Sign)

CC:

Doc # 14-A

BERKS COUNTY JAIL SYSTEM INMATE COMMUNICATION FORM

BCJ #: 2006-1188

Inmate Name: Johnnie L. Nelson

Unit/Cell #: I-201

Date: 8/6/15

TO: (Select only one of the following; selecting more than ONE box will result in your communication being filed unanswered.)

- | | | | | |
|--|--|---|--|---------------------------------|
| <input type="checkbox"/> Booking/Mail/Property | <input type="checkbox"/> Custody | <input checked="" type="checkbox"/> Inmate Accounts | <input type="checkbox"/> Medical | <input type="checkbox"/> Warden |
| <input type="checkbox"/> Chapel | <input type="checkbox"/> Deputy Warden | <input type="checkbox"/> Inmate Telephones | <input type="checkbox"/> SOG Commander | <input type="checkbox"/> Other |
| <input type="checkbox"/> Commissary | <input type="checkbox"/> Education | <input type="checkbox"/> Kitchen | <input type="checkbox"/> Treatment | |

Write legibly, supply all relevant details. Forms which are unclear or contain demeaning language, threats or profanity will not be addressed. **ONLY ONE TOPIC PER COMMUNICATION.**

Please fill out this required In-Forma-Pauperis as per Court order./

This is in regards to my account.

Thank You,

Note: Writing in "response" section will result in form being unanswered and filed.

Inmate Signature:

Johnnie Nelson

RESPONSE:

Please forward an addressed envelope for us to mail out your account certification.

Date: 8/10/15

Staff Member (Print)

A. Ruffner

and (Sign)

A. Ruffner

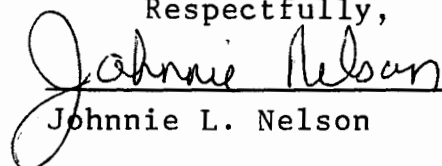
CC:

Doc. 14-A

To: Honorable Judge of District Court

My name is Johnnie L. Nelson. I am the plaintiff in the said claim before you. I am constantly having problems with the staff at Berks County Jail. As in my complaint the staff continues to cause problems and to deny me access to the Courts. I have followed the directions required to file my claim in forma pauperis, however, as you can see from the included request and response I am meeting with resistance to even have my account certification without having to jump through hoops when it is clearly at the top of the page where and why regarding the needed certification. I do not know what else I can do since that was my second time I had attempted to get this information and using the form included it is clear that the administration has been doing and trying anything to deny or delay me in this process as a means to discourage this action from being brought to light. I have also included an option to ask for a payment plan to filing fees, as I do not have the means to pay outright. I do wish for any charges I may have to incur in this filing to be reimbursed by the named Defendants. I am amending my claim to include document # 14, request for certification.

Respectfully,


Johnnie L. Nelson

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

TO PROCEED IN THE DISTRICT COURT WITH A PAYMENT PLAN FOR FEES AND COST.

~~I am the Plaintiff or petitioner in this case and declare I am~~
willing to pay the cost of these proceedings in a monthly payment
plan at the direction of the Court and as a result I am entitled
to the relief requested.

Please any initial payment costs required to proceed and payment
plan provided by the Court.

In the event this is not acceptable by the Court, Plaintiff will
foward the necessary paperwork to Proceed In Forma Pauperis.

I declare under penalty of perjury that the above information is
true and I understand that a false statement or agreement may
result in a dismissal of my claim.

8/10/15
DATE

Johnnie Nelson
SIGNATURE

Johnnie L. Nelson
PRINTED NAME